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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/720,693 10/02/96 KAO

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022901

MM92/0313

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EXAMINER

FOURSON III, G

ART UNIT

PAPER NUMBER

2823

DATE MAILED:

03/13/01

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No. <b>08/720,693</b>	Applicant(s) <b>Kao et al</b>
	Examiner <b>George Fourson</b>	Group Art Unit <b>2823</b>

Responsive to communication(s) filed on Jan 25, 2001

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 1-46 is/are pending in the application.

Of the above, claim(s) 34-44 is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-33, 45, and 46 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/25/01 has been entered.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-6,11,13,14,15,16,17,20,21,24,26,29,30 ,31,45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent 62-48028 in view of Wolf, Vol. 1, pp.323 and 324 .

The rejection is maintained as stated in the paper mailed 10/25/00. Additionally, claims 2,45 and 46 appear to label a portion of the ions separately from another portion. The ions implanted by Japan '028 could be so characterized.

Applicant argues that Japan '028 does not suggest removal of the oxide film prior to implanting. However, Wolf is relied on to show the effects of implanting through such a layer. As stated in the office action mailed 10/25/00, it would have been within the scope of one of ordinary skill in the art to omit implanting through the oxide layer with the expectation that the disclosed concomitant benefits would not

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be obtained. Wolf does not indicate that the surface layer is necessary to achieve implanting but instead discloses that benefits are obtained by presence of the layer. It would have been within the scope of one of ordinary skill in the art to tailor the implantation energy to achieve a desired implantation profile in the process of the combination, the effects of implanting through layers being well understood.

Applicant argues that the invention includes omission of the step of implanting through the oxide layer and retention of its function. However, the function of the oxide layer is not retained in the instant invention, namely prevention of contamination and mitigation of channeling and straggle for the implanted ions.

Applicant argues that the combination neither teaches, discloses nor refers to the claimed methods. Applicant is directed to the statement of the rejection above and in the office action mailed 10/25/00 where reasons for combining the references relied on are provided which combination suggests a process that is encompassed by the instant claim language.

Claims 7,8,9,10,22,23 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japan '028 in view of Wolf, Vol.1, pp.323 and 324 as applied to claims 1-6,11,13,14,15,16, 17,20,21,24, 26, 29, 30 ,31,45 and 46 above, and further in view of Japanese Patent 63-300526.

The rejection is maintained as stated in the paper mailed 10/25/00.

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Claims 12,18,19,24,25,27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent '028 in view of Wolf, Vol.1, pp.323 and 324 as applied to claims 1-6,11,13,14,15, 16,17, 20, 21, 24,26,29,30 ,31,45 and 46 above.

The rejection is maintained as stated in the paper mailed 10/25/00.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 308-0956. **See MPEP 203.08.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner George Fourson whose telephone number is (703) 308-2544. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on (703) 308-4918. The fax number for this group is (703)308-7722( 7724,3431 and 3432). MPEP 502.01 contains instructions regarding procedures used in submitting responses by facsimile transmission.

  
George Fourson  
Primary Examiner  
Art Unit 2823

GFourson  
March 11, 2001